



Gangoli, G. (2017). Understanding patriarchy, past and present.  
*Journal of Gender-Based Violence*, 1(1), 127-134.  
<https://doi.org/10.1332/239868017X14907152523430>

Peer reviewed version

Link to published version (if available):  
[10.1332/239868017X14907152523430](https://doi.org/10.1332/239868017X14907152523430)

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# Journal of Gender-Based Violence

## Understanding Patriarchy, Past and Present: Critical reflections on Gerda Lerner (1987), The Creation of Patriarchy, Oxford University Press.

--Manuscript Draft--

<b>Manuscript Number:</b>	
<b>Article Type:</b>	Open Space
<b>Full Title:</b>	Understanding Patriarchy, Past and Present: Critical reflections on Gerda Lerner (1987), The Creation of Patriarchy, Oxford University Press.
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<b>Abstract:</b>	This article explores the contributions and continuing relevance of Gerda Lerner's The Creation of Patriarchy (1987) to current and international debates on gender and gender based violence. I suggest that Lerner's conceptualisations of the reification of women's sexuality and reproduction in their subordination; and the complicity of women in their own oppression, and the oppression of other women are important in understanding the creation of patriarchy in western society, though the use of gender based violence. Further, these ideas have resonance in non-western worlds, and in the present.
<b>Keywords:</b>	patriarchy; gender based violence; reification; sexuality; complicity
<b>Additional Information:</b>	
<b>Question</b>	<b>Response</b>
<b>Key Messages</b>  Please enter 2-3 single sentence bullet points describing the key messages of the paper.	- The reification of women's sexuality and reproduction in their subordination; and the complicity of women in gender based violence are important in understanding patriarchy in western society - These ideas are relevant to understanding patriarchy in non-western worlds, and in the present.
<b>Word Count</b>  Academic articles should be between 5000 and 7000 words in length.  Policy and Practice articles should be between 2000 and 4000 words in length.  Open Space pieces should be between 2000 and 4000 words in length.	3640
<b>Special issue</b>  Is this a submission for a special issue? If so please give details of the special issue, including the Editor if known.	
<b>Funding Information:</b>	

<b>Manuscript Classifications:</b>	Ethnicity; Gender; Religion/faith; Sexual violence; Sexuality
<b>Manuscript Region of Origin:</b>	
<b>Author Comments:</b>	This paper is for open space and has been reviewed by the editors. This is the final copy.

# Understanding Patriarchy, Past and Present: Critical reflections on Gerda Lerner (1987), *The Creation of Patriarchy*, Oxford University Press.

I first read Gerda Lerner's *The Creation of Patriarchy* in the 1990s as a post graduate student in history in the University of Delhi. It is one of the major influences in my academic life, and coming to it, two decades later, still speaks to me and the work I now do on violence against women. Her writing style is clear, cogent, yet scholarly. Gerda Lerner wrote her book after years of painstaking research into the historical creation of the concept of patriarchy, and most significantly, links her research to women's liberation. In her own words:

“Women's history is indispensable and essential to the emancipation of women” (Lerner, 1986: 1)

## Gerda Lerner: the past and the present

Rereading Lerner in 2016, her core argument for me is that male dominance over women is not “natural” or biological, but the product of historical developments, that she traces from the second millennium B.C. in the Ancient Near East. Since patriarchy as a system of organising society was established historically, she contends, it can also be ended by historical processes. She goes back to the cultures of the earliest known civilizations – those of the ancient Near East – to discover the origins of the major gender metaphors of Western civilization. Using historical, literary, archaeological, and artistic evidence, she then traces the development of these ideas, symbols, and metaphors and their incorporation into Western civilization as the basis of patriarchal gender relations. Lerner explains that patriarchy is a historical creation formed by men and women in a process that took nearly 2500 years to its completion, and looks at how gender became created, defined and established. This was first manifested in the archaic state, and reflected in the patriarchal family. She suggests that the roots of patriarchy rested in biological structures (human dependence on mothers for survival in early infancy before the development of alternate forms of feeding, for example), but while this was an evolutionary necessity at the time, it cannot be treated as an ontological truth for all times.

She also argues that the enslavement of women within male dominant contexts, combining both racism and sexism, preceded the formation of classes and class oppression. She goes beyond single explanations, and is interested in 'various, intersecting and mutually reinforcing processes' that strengthened male dominance (Lerner, 1986: 57-58). She traces the shifts from cults of the mother goddess in Neolithic periods to the contradiction between the power of the goddesses with the increasing societal constraints upon the lives of most women in ancient Mesopotamia, and finally the transition to polytheism (including powerful goddesses) to monotheism (single male god) in Biblical and Greek times. As she rightly points out:

The development of monotheism in the Book of Genesis was an enormous advance in the direction of abstract thought and the definition of universally valid symbols. It is a tragic accident that this advance occurred in a social setting and under circumstances that strengthened and affirmed patriarchy. (Lerner, 1986: 198)

Lerner's work offers much to the contemporary reader, and here, I will look at two key areas that remain important within debates on gender and gender based violence. Firstly, the reification of women's sexuality and reproduction in their subordination. Secondly, the complicity of women in their own oppression, and the oppression of other women. Throughout this discussion, I will also explore whether Lerner's theorisations on the creation of patriarchy in western society has resonance in non-western worlds, or whether we need an alternate vision. The final section will further explore the ramifications of the reification of women's sexuality and reproduction.

### The reification of women's sexuality and reproduction

The concept of the reification of women based on the 'exchange of women' was introduced by anthropologist Levi-Strauss (1969: 115). He argued that the 'exchange of women' in tribal societies is based on rules governing and prohibiting endogamy, and the socialisation of women to accept forced marriages, and that within this kind of marital relationships, marriage is not between the couple, "...but between two groups of men, and the woman figures only as one of the objects in the exchange, not as one of the partners" (Levi-Strauss, 1969: 115). He further argues that within this exchange, women's consent is irrelevant and meaningless, as even where women may be seen as consenting, they cannot alter the inherent nature of this exchange, or what we may call the inherent power dynamics within which they are treated as exchangeable.

Lerner argues, however, that it is not women in themselves who are reified and commodified, but it is women's sexuality and reproductive capacity, that is their ability to bear and birth children. If we accept that law reflects gender relations in society, we can take the example of Mesopotamian law. Lerner carefully traced marriage law, and analyses Hammurabic law, where within marriage, women were treated as the sexual property of the husband, and if a woman was adulterous, her husband could choose to forgive or punish his wife or not. In contrast, men could freely commit adultery with slave women. Middle Assyrian Law further elucidates the evolution of the family, giving fathers absolute ownership over children and family. Class and hierarchy remain organic in this functioning, and within this control of female sexuality, different rules of behaviour operated over different classes of women, therefore (and echoing recent edicts and debates about veiling) wives and daughters of respectable men had to be veiled in public, and 'harlots' were not permitted to be publically veiled. The predominant family structure in the Biblical narrative continued to be the patriarchal family.

Rape law incorporated the principle that the injured party in a rape case was not the woman herself, but her husband or father, similarly pointing to the way in which women's sexuality was owned by the patriarch. If a virgin was raped by a married man, Hammurabic law allowed the father of the woman to 'take the wife of the ravisher... (and) give her to be dishonoured; he shall not give her (back) to their husband (but) shall take her' (cited in Lerner, 1986: 116). If the rapist was unmarried, he had to marry the virgin after paying the father bride price. Lerner then traces patriarchal dominance from private practice to public law in Mesopotamian law and argues how it has continued resonance in the United States in the 1980s (Lerner, 1986: 122).

1 Arguably, the reification of women's sexuality in law is also apparent currently in other  
2 contexts and periods, for example, the absence of the criminalisation of marital rape in  
3 several countries in the world currently, including Afghanistan, Bangladesh, Democratic  
4 Republic of Congo, India, Pakistan and Yemen. In India, attempts to criminalise marital rape  
5 particularly in the 1980 and in 2012 have been unsuccessful, and male ownership of women  
6 in marriage is further strengthened in civil marriage laws. For instance, civil marriage laws  
7 have differential minimum age of marriage for women and men (18 years for women and 21  
8 for men), which confirms the socially maintained hierarchy of age and experience. The  
9 mainstream Hindu cultural expectation in marriage is that of male hypogamy and female  
10 hypergamy, therefore men are expected to be older, have social experience, maturity, and  
11 hence can be dominant in relation to their wives. The law also reflects the social and cultural  
12 concern for confining the sexuality of young women within marriage as soon as she attains  
13 sexual maturity (Fruzetti 1982). Sexual control of husbands over wives is similarly  
14 emphasised in the adultery law (Section 497 IPC), which is a part of the criminal law.  
15 According to Section 497 IPC:

20                     Whoever has sexual intercourse with a person who is, and whom he knows or  
21                     has reason to believe to be the wife of another man, without the consent or  
22                     connivance of that man, such sexual intercourse not amounting to the offence  
23                     of rape is guilty of the offence of adultery (Section 497 IPC).

24 Section 497 therefore punishes the man who has a sexual relationship with a married woman,  
25 not a woman who has a sexual relation outside marriage. A 1985 Supreme Court judgment  
26 explicated the logic of the act:

30                     The law only makes a specific kind of extra marital relationship an offence...the  
31                     relationship between a man and a married woman...the legislature is entitled to  
32                     deal with the evil where it is felt and seen the most, (that is in the case of) a man  
33                     seducing the wife of another (Soumitra Vishnu V. Union of India 1985, 1618).

34 This has been reinforced in later judgements as in the case of V. Revathi v. Union of India  
35 (1988), in which the Court held that the man was the seducer and not the woman. The adultery  
36 law in India is a throwback to Brahmanical patriarchy, because in the Hindu scriptures, the  
37 very word for adultery is 'connection with another man's wife' (Abraham 1987,16). The  
38 inferences that we can draw from this law are twofold. One that the man owns his wife sexually,  
39 and his consent is necessary to gain sexual access over her. Second, the offence of adultery is  
40 legally equivalent to that of theft, the goods being the wife's body. Women are therefore denied  
41 agency, whether they themselves have committed adultery (as understood generally) or are  
42 married to men committing adultery. Where Indian laws recognise women's sexual agency  
43 within marriage, it is constructed as being dangerous. Maintenance and custody laws under  
44 different civil and criminal provisions provide for the rescinding of maintenance order or loss  
45 of custody of children if the woman can be proven to be 'unchaste' (HMA 1955, Section 25  
46 (3); SMA 1954, Section 37 (3); Parsee Marriage and Divorce Act 1937, Section 40 (3); Hindu  
47 Adoption and Maintenance Act 1956, Section 18 (3); Section 125 (5) CrPC).

51 To summarise so far, Lerner suggests that it is women's sexuality and ability to procreate that  
52 is reified and commodified, and not women themselves, they have agency in themselves (in  
53 contrast to Levi-Strauss' bleaker view of women's ability to consent or not), and this that gives  
54 women, 'no matter how exploited and abused' power to act and choose to the same, often very  
55 limited extent, as men of their group (Lerner, 1986:213-4). The next section will explore how  
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1 this agency may have been used by women to further patriarchal interests, even where it may  
2 have harmed themselves, and other women.  
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## 4 Section 2: The Complicit woman 5 6

7 One of the key messages from Lerner is that women have historically been complicit in their  
8 own oppression, and in the symbolic and material oppression of other women. Lerner points  
9 out that at different historical periods, some women were necessarily vested with more power  
10 than other women and some men, even though the power they enjoyed was mediated through  
11 men, and was most often exercised to fulfil male agenda. She looks at exceptional women in  
12 Mesopotamia and the development of the role of royal wife and daughter as "stand in" for her  
13 husband and father (Lerner, 1986: 68). In her own words:  
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16 Some of the Mari documents offer a vivid picture of the lives and activities of the  
17 royal ladies in their role as their male relatives' deputies. The queen, the king's first  
18 wife, held independent power in palace, temple and workshops and served as a stand-  
19 in for the king when he was absent in warfare or diplomatic missions. In her own right  
20 she managed her property and supervised the female palace personnel (Lerner, 1986:  
21 69).  
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25 Lerner cautions against celebrating this instance of female independence, and points out the  
26 queen's power "...like that of the male vassal, depended on the will and whim of the  
27 king...only in her lord's protection was there any safety for her" (Lerner, 1986: 70). One is  
28 reminded here of women who have historically acted as male proxies, and have derived  
29 power from male relatives, dead or alive. For instance, wives of land owners in England in  
30 the period of the Crusades, that led John Knox to lament about the 'Monstrous Regiment of  
31 Women' in 1558, where he argued that rule by females is contrary to the Bible. I am also  
32 thinking of Rani Lakshmibai, who came to power in nineteenth century India after being  
33 widowed, and fought against British imperialism in the 1857 revolt. The highest praise  
34 awarded to Rani Lakshmibai was: "How valiantly like a man fought she / The Rani of Jhansi  
35 / On every parapet a gun she set / Raining fire of hell / How well like a man fought the Rani  
36 of Jhansi / How valiantly and well!" (cited in Mayer and Brysac, 1999), and versions of this  
37 poem are still taught in Indian schools. Similarly, more recently South Asian countries have  
38 been led by women, for example Indira Gandhi in India (three terms as Prime Minister  
39 between 1966 – 1984), Benazir Bhutto in Pakistan (two terms as Prime Minister between  
40 1988 – 1996), and the recent electoral victory of Aung San Suu Kyi' in Myanmar (2015).  
41 These three women derived their power and prestige from their association with their family,  
42 and as a commentator has pointed out:  
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48 "Suu Kyi, like other dynastic female leaders, promised to cleanse the soiled public  
49 realm with private, familial virtue. Suu Kyi is often called 'sister Suu' by her  
50 supporters. Other female leaders have similarly been called 'aunts' or 'mothers'."  
51 (Thompson, 2015).  
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54 Lerner also gives the example of the enslavement of women, where powerful women were  
55 necessarily complicit with the subordination of other women. Within Mesopotamian society,  
56 she looks at Queen Shibtu, who acted as her husband's deputy during his absences, and also  
57 carried out his instructions with regard to female captives he was sending home after war:  
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1 The wife's cooperation in the matter is taken from granted, and her husband's sexual  
2 use of the captive women, which served not only to gratify his pleasure but to enhance  
3 his property and status, is assumed to be a routine matter (Lerner, 1986: 71)

4 Biblical narratives of Genesis (1200-500 BC) also provide examples of women's complicity  
5 in enslaving and subordinating other women through the use of rape and sexual abuse. Lerner  
6 points to the childless Sarai and Rachel urging their husbands to have sex with their  
7 respective handmaids in order that they have children.  
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10 There are several underlying assumptions implicit in these accounts: a slave woman  
11 owes sexual services to her mistress's husband, and the offspring of such intercourse  
12 counts as though it were the offspring of her mistress (Lerner, 1986: 92).  
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15 Margaret Atwood's fascinating futurist novel, the *Handmaid's Tale* (1985) looks at how this  
16 Biblical narrative might be used to control women's sexuality and reproduction, if women's  
17 fertility was reduced drastically, either due to their own actions, or wider environmental  
18 reasons. In this novel, set in imaginary Gilead, women who have proved their fertility by  
19 having children in the past, but have been adulterous or divorced, are captured and made  
20 Handmaids to powerful men and their barren wives, in order that they may produce children  
21 through rape. In Atwood's own words:  
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25 *The Handmaid's Tale* has often been called a "feminist dystopia", but that term is not  
26 strictly accurate. In a feminist dystopia pure and simple, all of the men would have  
27 greater rights than all of the women. It would be two-layered in structure: top layer  
28 men, bottom layer women. But Gilead is the usual kind of dictatorship: shaped like a  
29 pyramid, with the powerful of both sexes at the apex, the men generally outranking  
30 the women at the same level; then descending levels of power and status with men  
31 and women in each, all the way down to the bottom, where the unmarried men must  
32 serve in the ranks before being awarded an Econowife (Atwood, 2012).  
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36 Lerner has also argued that the oppression of women within the family 'antedates slavery and  
37 makes it possible' (Lerner, 1986: 77), and that the 'invention of slavery' involves the  
38 development of techniques of permanent enslavement and of the concept, in the dominant  
39 and the dominated, that permanent powerlessness on the one side, and total power on the  
40 other are acceptable conditions of social interaction (pp.78).  
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44 Lerner's explanatory framework can help feminist scholars to understand why women  
45 continue to participate in their own oppression, and the subjugation of other women. This is  
46 an issue that I am particularly interested in, , especially mother-in-law to daughter-in-law  
47 violence and abuse in the specific context of South Asian women's violence against other  
48 women in the same household, and mothers forcing daughters to marry, and being culpable in  
49 abuse against daughters seen as dishonouring their family (Rew *et al.* 2013), or in war and  
50 communal riots (Gangoli and Rew, 2011; Gangoli, 2006) inducing and encouraging men  
51 from their community to sexually abuse and violate women from the 'enemy' community.  
52 Elsewhere we have argued that women's violence against other women in South Asian  
53 contexts can be seen as fulfilling what Kandiyoti (1988) calls the 'patriarchal bargain', as  
54 women as mothers of sons derive power within the household, but only as long as they are  
55 seen as acting in male interests (Rew *et al.* 2013). They are aware that their power is  
56 precarious and is based on training future generations of women (daughters and daughters in  
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1 law) to maintain the patriarchal order, and in ignoring, if not actively facilitating, sexual  
2 violence against socially inferior women from other communities and groups.  
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## 5 Conclusion 6

7 Gerda Lerner's work is of continuing value and resonance to those of us interested in  
8 understanding the resonant and seemingly indestructible nature of patriarchal dominance,  
9 including violence against women, and in looking for ways to end it. As we have seen, Lerner  
10 systematically traces the origins of patriarchy in western societies through the control of  
11 women's reproductive abilities and their sexuality by men. This control is legitimised through  
12 social norms, the law, the State and religion, and therefore appears impervious to change, and  
13 seemingly eternal. Lerner points out that women have also been complicit in the creation, the  
14 entrenchment and the continuation of patriarchy, and one of the ways in which this has been  
15 done is by ensuring that women feel allegiance to their families, communities and nations,  
16 rather than to other women.  
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21 Women have for millennia participated in the process of their own subordination  
22 because they have been psychologically shaped as to internalise the idea of their own  
23 inferiority... The connectedness of women to familial structures made any  
24 development of female solidarity and group cohesiveness extremely problematic  
25 (Lerner, 1986: 218).  
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28 Lerner points out that women have historically been seen as irrelevant from "the human  
29 endeavour of abstract thought" (Lerner, 1986, 224), and their feelings/experiences have been  
30 devalued. Intellectual women have had to first learn "how to think like a man" (Lerner, 1986:  
31 224). She cautions that the only way forward to end patriarchy is by rejecting patriarchal  
32 thought, logic and theories, and to reorder the world by "being sceptical towards every known  
33 system of thought; being critical of all assumptions; ordering values and definitions" (Lerner,  
34 1986: 228). As feminists, we have to question everything.  
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38 While Lerner based her analysis on western society, we have seen that her insights can be  
39 used to understand the origins and establishment of patriarchal dominance in non-western  
40 societies, particularly as explored in this article, in India. In India, as in other parts of the  
41 world, patriarchy is operated through male control over women's sexuality, and the  
42 complicity of women within this system, both over themselves, and over other women. These  
43 are important questions for feminist practitioners and scholars today. The current political  
44 and social situation at a global level of terrorism, the economic recession and economic  
45 hardships continues to be challenging, not only for women's rights (and women have been  
46 disproportionately and detrimentally affected by these global events), but for other  
47 marginalised groups, including for instance, in the UK: refugee and asylum seekers, LGBTQ  
48 communities, working class people. How can feminists work with other social issues, such as  
49 LGBTQ rights, disability, class whilst prioritising gender based violence? In other words,  
50 how do intersectional politics work in practice? Lerner ends her book with these words,  
51 eventually optimistic. These might still be relevant, or at the very least, still inspirational:  
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57 The system of patriarchy is a historical construct; it has a beginning; it will have an  
58 end. Its time seems to have nearly run its course – it no longer serves the needs of  
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men or women and in its inextricable linkage to militarism, hierarchy, and racism it threatens the very existence of life on earth (Lerner, 1986: 228-9).

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